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July 11, 2011

VIA ECF

Honorable Michael A. Shipp  
United States Magistrate Judge  
United States District Court  
Martin Luther King, Jr. Federal Building  
50 Walnut Street  
Newark, New Jersey 07101

Re: *Botton v. Ness Technologies, Inc., et al.*  
Civil Action 11-3950 (SRC)(MAS)

Dear Judge Shipp:

We represent the Plaintiff, Nissim Botton, in the above referenced matter. In furtherance of our prior letter request for expedited discovery, we enclose a proposed scheduling order for expedited discovery and the filing of a preliminary injunction application, and a brief outlining deficiencies in the preliminary proxy statement which Ness Technologies has filed with the SEC. At present, we have no information as to when Ness intends to send a final proxy statement to shareholders to solicit votes on the proposed acquisition. If it is Ness' intention to solicit shareholder votes prior to the time that this schedule envisions discovery and a preliminary injunction application being heard by the Court, the schedule will obviously need to be modified accordingly.

As with our July 11, 2011 letter, we are providing copies of this letter and the enclosures to counsel for Defendants. We respectfully request a telephone conference with the Court at your earliest convenience, and we will advise Defendants' counsel of the Court's availability to discuss these matters.

Honorable Michael A. Shipp  
July 15, 2011  
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We appreciate the Court's attention to this urgent matter and remain available at Your Honor's convenience.

Respectfully submitted,

CARELLA, BYRNE, CECCHI,  
OLSTEIN, BRODY & AGNELLO, P.C.

/s/ James E. Cecchi

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